

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

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In re:

Vortex Drain Tiling, LLC,  
  
Debtor.

Chapter 7  
Case No. 16-30672  
Honorable Shon Hastings

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**MOTION OF FORREST C. ALLRED, TRUSTEE FOR LEAVE  
TO CONDUCT RULE 2004 EXAMINATIONS OF KELLER PAVING &  
LANDSCAPING, INC AND BLUE EARTH COUNTY DRAINAGE AUTHORITY**

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Trustee Forrest C Allred (the “Trustee”) by his attorneys, for his Motion for Leave to Conduct Rule 2004 Examinations of Keller Paving & Landscaping, Inc. and Blue Earth County Drainage Authority and respectfully states as follows:

1. Vortex Drain Tiling, LLC (the “Debtor”) filed a petition commencing this chapter 7 case on December 28, 2016, and the Trustee was appointed as a successor trustee on December 12, 2017.
2. The Debtor’s case is now pending in this Court.
3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, and Fed. R. Bank. P. 5005. This motion arises under Bankruptcy Rule 2004 and is a core proceeding.
4. The Trustee seeks information relevant to potential claims possessed by the bankruptcy estate and moves this Court for authorization to conduct Bankruptcy Rule 2004 examinations the following persons and entities who have information regarding the Debtor’s financial affairs:

a. Keller Paving & Landscaping, Inc.:

Debtor provided services to Keller Paving & Landscaping, Inc. The Trustee needs to determine if claims and defenses exist with respect to Debtor's claims.

b. Blue Earth County Drainage Authority:

Debtor provided services to Blue Earth County Drainage Authority. The Trustee needs to determine if claims and defenses exist with respect to Debtor's claims.

5. The purpose of the requested examination is for discovery and the identification of areas of inquiry is intended to be as broad as allowed under the Federal Rules of Bankruptcy Procedure. The identification of areas of inquiry or specific documents is not intended to limit the scope of the inquiry.

WHEREFORE, the Trustee respectfully moves this Court to enter an order granting the Trustee leave to examine Keller Paving & Landscaping, Inc. and Blue Earth County Drainage Authority and to issue subpoenas as provided under bankruptcy Rule 9016 to compel testimony and request the production of documents within the scope of Bankruptcy Rule 2004.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

Dated: April 18, 2018

By   e/ Matthew R. Burton    
Matthew R. Burton, #210018  
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**IN THE UNITED STATES BANKRUPTCY COURT  
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**UNSWORN CERTIFICATE OF SERVICE**

I, Cheryle R. Williams, declare under penalty of perjury that on April 18, 2018 she caused the following document to be served via the CM/ECF system to those parties requesting electronic notification:

*Motion of Forrest C. Allred, Trustee, for Leave to Conduct Rule 2004 Examinations*

I further certify that the above documents were served by U.S. Mail postage paid to:

Keller Paving & Landscaping, Inc.  
Attn: Officer or Managing Agent  
1820 Highway 2 Bypass East  
Minot, ND 58701

Vortex Drain Tiling, LLC  
Attn: Officer or Managing Agent  
741 Ashley Lane NE  
Thompson, ND 58278

Blue Earth County Drainage Authority  
Attn: Officer or Managing Agent  
204 South 5<sup>th</sup> Street  
P.O. Box 8608  
Mankato, MN 56002

Brett Meyers  
Crary Real Estate  
Attn: Officer of Managing Agent  
4551 S Washington St  
Suite G  
Grandforks, ND 58201

Dated: April 18, 2018

/e/ Cheryle R Williams  
Cheryle R. Williams  
Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.  
100 S. Fifth Street, Suite 2500  
Minneapolis, MN 55402

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**ORDER GRANTING MOTION FOR RULE 2004 EXAMINATIONS**

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The Bankruptcy Trustee filed a motion to conduct examinations pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure. Upon review of the Motion, the Court finds cause for granting it. Therefore, IT IS ORDERED that the motion [Doc. \_\_\_\_] is GRANTED. Movant is authorized to examine Keller Paving & Landscaping, Inc., Blue Earth County Drainage Authority, and to issue subpoenas as provided under Rule 9016 to compel testimony and documents within the scope of Rule 2004. It is also ORDERED that the examinations shall be conducted at a time and location convenient to all parties.

Dated this \_\_\_\_ day of April, 2018.

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Shon Hastings, Judge  
United States Bankruptcy Court